

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**HAROLD HARRIS; PASTOR ROBERT  
TIPTON, JR.; DELTA SIGMA THETA  
SORORITY, INC.; AND DESOTO COUNTY  
MS NAACP UNIT 5574**

**PLAINTIFFS**

**VS.**

**CIVIL NO.: 3:24-CV-00289-GHD-RP**

**DESOTO COUNTY, MISSISSIPPI; DESOTO  
COUNTY BOARD OF SUPERVISORS;  
DESOTO COUNTY ELECTION  
COMMISSION; and DALE THOMPSON in her  
official capacity as DeSoto County Circuit Clerk**

**DEFENDANTS**

**DEFENDANTS' MOTION TO DISMISS**

Defendants, DeSoto County, Mississippi (“the County”), DeSoto County Board of Supervisors (“the Board of Supervisors”), DeSoto County Election Commission (“the Election Commission”), and Dale Thompson (“Thompson”), in her official capacity as DeSoto County Circuit Clerk, move to dismiss Plaintiffs’ Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and Rule 12(b)(6) for failure to state a claim. The contemporaneously filed memorandum in support explains in detail the multiple grounds for the requested relief, including that Plaintiffs lack standing to sue Thompson and thus she should be dismissed, Plaintiffs fail to allege facts sufficient to state a claim for violation of Section 2 of the Voting Rights Act (“VRA”), 54 U.S.C. §§ 10101 to 10702, and Section 2 does not contain a private right of action, thus foreclosing Plaintiffs’ claim.

For the reasons articulated in the contemporaneously filed memorandum, Defendants

request an order dismissing Plaintiff's Complaint with prejudice.

Dated: November 22, 2024.

Respectfully submitted,

PHELPS DUNBAR LLP

*/s/ D. Michael Hurst, Jr.*

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I certify that on November 22, 2024, I electronically filed this document with the Clerk of the Court using the ECF system, which sent notification of such filing to all ECF counsel of record in this action.

/s/ D. Michael Hurst, Jr.  
D. Michael Hurst, Jr.